

07-12-06

DAC
ZFW



ATTORNEY DOCKET NO. 23101.0003U1
EXPRESS MAIL LABEL NO. EL979110755US
PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
CANTRELL, <i>et al.</i>)	Art Unit: 1632
)	
Application No. 09/784,575)	Examiner: Wilson, Michael C.
)	
Filing Date: February 15, 2001)	Confirmation No. 1832
)	
For: "IN OVO ACTIVATION OF AN EGG)	
IN THE SHELL")	

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Mail Stop PETITION
Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

Applicant hereby petitions for revival of this application. The four requirements for a grantable petition are as follows:

1. Petition Fee

07/13/2006 TBESHAH1 00000006 09784575



Small entity fee in the amount of \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. ^{750.00 OP}



Other than small entity fee in the amount of \$1, 500.00 (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Request for Continued Examination (RCE), Amendment and Response to Office Action, and Request for Extension of Time:

☐ has been filed previously on _____.

☒ are enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. A docketing error resulted in an error in our understanding of when the deadline was.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$2,225.00 (small entity) (\$1,080.00 fee for a five (5) month extension of time, \$750.00 fee for a Petition for Revival of an Application for Patent Abandoned Unintentionally, and \$395.00 fee for a Request for Continued Examination under 37 C.F.R. § 114), a Request for Extension of Time (5 months), an Amendment and Response to Office Action, and a Request for Continued Examination are enclosed. This amount is believed to be correct; however, the Commissioner

is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

 7/11/06

Bruce H. Becker, M.D., J.D.
Registration No. 48,884

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)